

4. The Massachusetts long-arm statute, Mass. Gen. Laws Ann. ch. 223A, § 3 (West 2005), does not authorize jurisdiction over Mr. Dwyer. And under the Due Process Clause of the Fourteenth Amendment, U.S. Const. amend. 14, § 1, it could not do so: Massachusetts lacks minimum contacts with Mr. Dwyer. *See Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945).

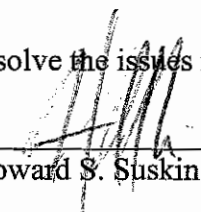
5. In support of his motion, Mr. Dwyer is filing concurrently herewith the Declaration of Defendant John Dwyer in Support of His Motion to Dismiss for Lack of Personal Jurisdiction and Defendant John Dwyer's Memorandum of Law in Support of His Motion to Dismiss for Lack of Personal Jurisdiction.

REQUEST FOR ORAL ARGUMENT

Mr. Dwyer requests that this Court permit oral argument on this motion.

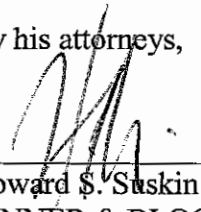
LOCAL RULE 7.1 CERTIFICATE


Counsel for Mr. Dwyer certifies that he has conferred with counsel for Plaintiffs and has attempted in good faith to narrow or resolve the issues raised herein.


Howard S. Suskin (admitted pro hac vice)

DEFENDANT JOHN DWYER

By his attorneys,


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document and the accompanying Defendant John Dwyer's Memorandum of Law in Support of His Motion to Dismiss for Lack of Personal Jurisdiction was served by mail on the 30th day of NOVEMBER, 2005 upon the attorney of record for each party having appeared in this case.

